



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
WATER COUNCIL

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3434 FAX (603) 271-2982



STATE OF NEW HAMPSHIRE
WATER COUNCIL

Decision & Order

Docket No. 03-20 WC

Appeal of Governor's Island Club, Inc.
In Re: Denial of Comprehensive Shoreland Protection Act Request for Variance

Notice of Appeal
and
Request for Waiver of Rules Relative to Time for Filing Appeal

Background

On August 28, 2003 the Governor's Island Club ("GIC") filed a Comprehensive Shoreland Protection Act Request for Variance with the Department of Environmental Services, Water Division ("DES").

On October 16, 2003 DES issued a denial of the August 28, 2003 Comprehensive Shoreland Protection Act Request for Variance.

On December 18, 2003, Attorney Philip A. Brouillard, on behalf of GIC, filed a Notice of Appeal ("the Notice") and a Request for Waiver of Rules Relative to Time for Filing Appeal ("Request for Waiver") with the NH Water Council ("the Council"). The notice was appealing the DES denial of the variance request.

NH CODE OF ADMINISTRATIVE RULES Env-WC 203.02 states that any appeal to the Council shall be filed within 30 days of the date the decision being appealed was issued.

NH CODE OF ADMINISTRATIVE RULES Env-WC 203.09(a) states that any party to an appeal may petition the Council to extend any time limit established by the Council Rules if meeting the prescribed time limit would unduly burden the party or if an extension is otherwise necessary to conduct a more effective hearing. A request for an extension shall be submitted in writing to the Council prior to the expiration of the prescribed period and shall state the reason(s) for the extension request.

Discussion/Conclusion

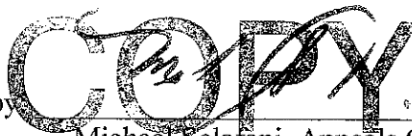
The Council concludes that GIC filed its Notice of Appeal sixty-three (63) days after DES issued the denial of the Comprehensive Shoreland Protection Act Request for Variance. The Council concludes that by filing a Notice of Appeal with the Council on December 18, 2003 GIC did not comply with Env-WC 203.02. The Council concludes that GIC filed its Request for Waiver of Rules Relative to Time for Filing Appeal sixty-three (63) days after the denial of the August 28, 2003 Comprehensive Shoreland Protection Act Request for Variance. The Council concludes that the GIC Request for Waiver does not comply with Env-WC 203.09(a).

Order

The GIC Request for Waiver of Rules Relative to Time for Filing Appeal is **DENIED** and the Notice of Appeal is **SUMMARILY DISMISSED**.

Pursuant to Env-WC 203.29(a), any person whose rights might be directly affected by this decision may file a motion for rehearing within 30 days of the date of this decision. The motion must contain the information specified in Env-WC 203.29(b). Copies of any motion for rehearing shall also be sent or delivered to all other parties of record. Pursuant to Env-WC 203.29(e), this decision shall become final if no motion for rehearing is filed within 30 days.

So Ordered for the Council by



Michael Sclafani, Appeals Clerk

January 15, 2004